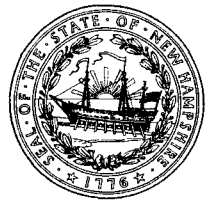




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

September 25, 2006

Freudenberg NOK General Partnership
Attn: Gregory Keenan
PO Box 2001
Bristol, NH 03222-2001

Re: Docket No. AF 06-037 - Administrative Fine by Consent Agreement

Dear Mr. Keenan:

Enclosed for your records is a copy of the fully executed and accepted Administrative Fine by Consent Agreement in the above-captioned matter.

On behalf of the Department of Environmental Services, thank you for your cooperation in resolving this matter.

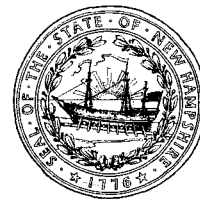
Sincerely,

Michael P. Sclafani,
Legal Assistant

cc: Michael J. Walls, DES Assistant Commissioner
Anthony P. Giunta, P.G., Director, Waste Management Division
Gretchen R. Hamel, Administrator, DES Legal Unit
Kerry D. Barnsley, Compliance Attorney, DES Legal Unit
Jennifer J. Patterson, NH DOJ
Paul L. Heirtzler, P.E., WMD
John J. Duclos, DES WMD
Linda Birmingham, DES WMD
DES Public Information Officer
Jeffrey Mansfield, Freudenberg NOK
Lynn Preston, Freudenberg NOK
Ronald Guest



The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

Freudenberg NOK General Partnership
P.O. Box 2001
Bristol, NH 03222-2001

Re: Freudenberg NOK General Partnership
450 Pleasant Street
Bristol, New Hampshire
EPA ID No. NHD001084672

**ADMINISTRATIVE FINE
BY CONSENT**

No. AF 06-037

I. INTRODUCTION

This Administrative Fine by Consent is entered into by and between the Department of Environmental Services, Waste Management Division, and Freudenberg NOK General Partnership, pursuant to RSA 147-A and the New Hampshire Administrative Rule Env-C 601. This Administrative Fine by Consent ("Agreement") is effective upon signature by all parties.

II. PARTIES

1. The Department of Environmental Services, Waste Management Division ("DES"), is a duly constituted administrative agency of the State of New Hampshire, having its principal office at 29 Hazen Drive, Concord, New Hampshire.
2. Freudenberg NOK General Partnership ("Freudenberg") is a foreign corporation registered to do business in New Hampshire. Freudenberg has a principal office located at 47690 E Anchor Court, Plymouth, Michigan. Freudenberg's New Hampshire facility has a mailing address of P.O. Box 2001, Bristol, NH 03222-2001.

III. BACKGROUND

1. Pursuant to RSA 147-A, the Department of Environmental Services regulates the management and disposal of hazardous waste. Pursuant to RSA 147-A:3, the Commissioner of DES has adopted Env-Wm 100-1100 ("Hazardous Waste Rules") to implement this program.
2. Pursuant to RSA 147-A:17-a, the Commissioner of DES is authorized to impose fines of up to \$2,000 per offense for violations of RSA 147-A or rules adopted pursuant thereto. Pursuant to

this section, the Commissioner has adopted Env-C 612 to establish the schedule of fines for such violations.

3. Freudenberg is a hazardous waste generator that notified the United States Environmental Protection Agency ("EPA") of its activities through DES on March 9, 1990. EPA Identification Number NHD001084672 was assigned to Freudenberg's site located at 450 Pleasant Street in Bristol, New Hampshire.

4. On February 10, 2006, DES personnel inspected Freudenberg for compliance with RSA 147-A and its implementing regulations, the New Hampshire Hazardous Waste Rules. As a result of the violations of the Hazardous Waste Rules observed during this inspection, DES issued Letter of Deficiency No. WMD 06-006 ("LOD") to Freudenberg on March 24, 2006. Based on the violations observed during the inspection listed above, DES believes that an administrative fine is appropriate in this case for the Class I violations.

IV. ALLEGATIONS, ADMINISTRATIVE FINES

1. Freudenberg failed to conduct or document inspections of the wastewater treatment unit, located in the Chemical Management Room, permitted by DES under Limited Permit # DES-HW-LP-01-13, as required by Env-Wm 353.04 (f) and (g), ("Violation 1"). Pursuant to Env-C 610, a fine of \$500 has been calculated by the Division.

2. Freudenberg failed to conduct an adequate hazardous waste determination on waste rubber generated from the extrusion process ("Extrusion Rubber"), as required by Env-Wm 502.01 ("Violation 2"). Env-C 612.05(a) authorizes a fine of \$1,500 per determination.

3. Freudenberg failed to maintain a personnel training program and provide hazardous waste training for the following employees with hazardous waste management duties, as required by Env-Wm 509.02(a)(2): two (2) years of annual training for Emergency Coordinator Sharon Blanchette and one (1) year of annual training for each of the four (4) employees responsible for signing manifests ("Violation 3"). Env-C 612.07(b) authorizes a fine of \$1,000 per individual not trained for annual updates, for a potential fine of \$6,000.

4. Freudenberg failed to submit copies of the contingency plan to local authorities, as required by Env-Wm 509.02(a)(5) ("Violation 4"). Env-C 612.07(e) authorizes a fine of \$2,000.

5. Freudenberg failed to maintain four (4) satellite storage areas "at or near the point of generation and under the control of the operator generating the wastes", as required by Env-Wm 509.03 ("Violation 5"). Env-C 612.07(j) authorizes a fine of \$1,000 per satellite storage area, for a potential fine of \$4,000.

6. Freudenberg failed to have on file eight (8) hazardous waste manifests certified by the designated facility (*i.e.*, Manifest No. VT2154843, Manifest No. VT2171660, Manifest No. VT2172853, Manifest No. NHK0001061, Manifest No. NHD0001056, Manifest No.

VT2176780, Manifest No. VT2184995, and Manifest No. NHK0005855), as required by Env-Wm 512.01(a)(1) ("Violation 6"). Env-C 612.08(a) authorizes a fine of \$300 per type of record.

7. Freudenberg failed to label one (1) 5-gallon pail and one (1) 55-gallon drum of used oil destined for recycling located in the boiler room, and one (1) 55-gallon drum of used oil destined for recycling in the banbury mill room, with the words "Used Oil for Recycle," as required by Env-Wm 807.06(b)(4) ("Violation 7"). Env-C 612.10(a)(1) and (2), which references Env-Wm 807.06(b)(2), modified in August 2000 to Env-Wm 807.06(b)(4), authorizes a fine of \$100 for each container that is 55-gallons or greater and \$50 for each container that is less than 55 gallons, for a potential fine of \$250.

8. Freudenberg failed to ensure that the one (1) 5-gallon pail of used oil destined for recycling located in the boiler room, the one (1) 55-gallon drum of used oil destined for recycling in the banbury mill room, one (1) 55-gallon drum of used oil destined for recycling located behind the phospatizer and one (1) 55-gallon drum of used oil destined for recycling located in spring manufacturing, were kept closed at all times, unless oil is being added to or removed from the containers, as required by Env-Wm 807.06(b)(5) ("Violation 8"). Env-C 612.10(b)(1) and (3), which references Env-Wm 807.06(b)(3) modified in August 2000 to Env-Wm 807.06(b)(5), authorizes a fine of \$50 for each container that is 5-gallons or less and \$200 for each container that is 55-gallons or greater, for a potential fine of \$650.

9. Freudenberg failed to label/mark sixteen (16) containers of universal waste lamps, eight (8) 8-foot universal waste lamps, and four (4) universal waste vapor lamps with any of the following markings: "Universal Waste – Lamps(s) ," "Waste Lamp(s) ," or "Used Lamp(s) ," as required by Env-Wm 1102.03 and Env-Wm 1112.04 ("Violation 9"). Pursuant to Env-C 610, a fine of \$10/lamp and \$50/container has been calculated by the Division, for a potential fine of \$920.

10. Freudenberg failed to mark two (2) universal waste computer monitors with any of the following markings: "Universal Waste – Cathode Ray Tubes", "Waste Cathode Ray Tube(s)", or "Used Cathode Ray Tube(s)", as required by Env-Wm 1102.03 and Env-Wm 1113.04 ("Violation 10"). Pursuant to Env-C 610, a fine of \$10/ CRT has been calculated by the Division, for a potential fine of \$20.

11. Freudenberg failed to close the sixteen (16) containers of universal waste lamps, except to add or remove universal waste, as required by Env-Wm 1102.03(c)(1) ("Violation 11"). Pursuant to Env-C 610, a fine of \$15/container has been calculated by the Division, for a potential fine of \$240.

12. Freudenberg failed to store the eight (8) 8-foot universal waste lamps and the four (4) universal waste vapor lamps, observed in the maintenance storage area, in containers that meet the requirements of Env-Wm 1102.03(c), as required by Env-Wm 1112.03(a) ("Violation 12"). Pursuant to Env-C 610, a fine of \$25/lamp has been calculated by the Division, for a potential fine of \$300.

13. Freudenberg failed to store one (1) broken universal waste cathode ray tube (computer monitor) in a container that meet the requirements of Env-Wm 1102.03 (c), as required by Env-Wm 1113.03(a). Pursuant to Env-C 610, a fine of \$25/cathode ray tube has been calculated by the Division.

V. PAYMENT, WAIVER OF HEARING

1. DES agrees to waive fines associated with Violations 1, 3 through 5, 7 through 11 and 13 because they are not Class I violations.
2. DES is not seeking a fine for Violation 2. Freudenberg documented that the Extrusion Rubber was analyzed and determined to be non-hazardous.
3. Freudenberg agrees to pay \$600 as itemized below for Violations 6 and 12, which are Class I violations, upon execution of this Agreement by an authorized representative of Freudenberg:
 - a. \$300 for Violation 6; and
 - b. \$300 for Violation 12.
4. Payment under Section V. Paragraph 3 shall be paid by certified check made payable to: "Treasurer, State of New Hampshire" and shall be mailed to:

DES Legal Unit
Attn: Michael Sclafani, Legal Assistant
PO Box 95
Concord, NH 03302-0095

5. If any payment is made by check or money order that is returned due to insufficient funds, pursuant to NH RSA 6:11-a, DES may charge a fee in the amount of 5% of the face amount of the check or money order or \$25.00, whichever is greater, plus all protest and bank fees, in addition to the amount of the check or money order, to cover the costs of collection.
6. By executing this Agreement, Freudenberg waives its right to a hearing on or any appeal of the administrative fines identified in this Agreement, and agrees that this Agreement may be entered into and enforced by a court of competent jurisdiction.
7. The effective date of this Agreement will be the date on which it is signed by an authorized representative of Freudenberg, and the Director of the Waste Management Division, and the Commissioner of DES.
8. No failure by DES to enforce any provision of this Agreement after any breach or default will be deemed as a waiver of its rights with regard to that breach or default, nor will such failures be construed as a waiver of the right to enforce each and all provisions of this Agreement on any further breach or default.

WHEREFORE, the parties voluntarily accept the terms of this Agreement.


FREUDENBERG NOK GENERAL PARTNERSHIP

COPY


By: Gregory Keenan, Plant Manager
Duly Authorized

6 SEPT 06
Date

DEPARTMENT OF ENVIRONMENTAL SERVICES

COPY

Anthony P. Giunta, P.G., Director
Waste Management Division

9/20/06
Date

COPY

Michael P. Noon, Commissioner

09 23 06
Date

cc: RCRA/DB/AF
Paul L. Heirtzler, P.E., Esq., Administrator, WMP
Gretchen Hamel, Administrator, DES Legal Unit
Public Information Officer, DES PIP Office
Jennifer Patterson, NH DOJ
John J. Duclos, Administrator, HWCB
Ronald Guest, 100 Commercial Street, First Floor North, Manchester, NH 03101
Jeffrey Mansfield, Freudenberg NOK, Bristol, NH
Lynn Preston, Freudenberg NOK, Bristol, NH